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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourteenth session

SUMMARY RECORD OF THE 266th MEETING

Held at Headquarters, New York,
on Thursday, 19 January 1995, at 3 p.m.

Chairperson: Ms. CORTI

CONTENTS

CONTRIBUTIONS OF THE COMMITTEE TO INTERNATIONAL CONFERENCES (continued)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

OTHER MATTERS

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The meeting was called to order at 3.10 p.m.

CONTRIBUTIONS OF THE COMMITTEE TO INTERNATIONAL CONFERENCES (continued)

Statement by Ms. Sadik (Executive Director, United Nations Population Fund)

1. Ms. SADIK (Executive Director, United Nations Population Fund) noted that, due in large measure to the efforts of the Secretariat to ensure the equitable participation of women, more women had participated in the International Conference on Population and Development than in any other United Nations conference. Delegations had also included representatives of non-governmental organizations (NGOs), many of whom were women. It was quite possible that the Programme of Action adopted in Cairo would not have as forward-looking or stressed gender issues as strongly had it not had the benefit of the input from women's groups and NGOs. In that sense, it truly built on the work of CEDAW. She thanked the Egyptian Government for its efforts to achieve consensus among groups of countries on a number of issues which affected women, such as inheritance rights.

2. In many ways, the Programme of Action reinforced the principles contained in the Convention on the Elimination of Discrimination against Women. Not only did it affirm the equal rights of all human beings, irrespective of sex, but it also specifically stressed gender equality, the empowerment of women, the elimination of all forms of violence against women and women's ability to control their own fertility as the cornerstones of population and development-related programmes. It reaffirmed the human rights of women and girl-children as an indivisible part of human rights including reproductive rights, which were derived from other rights. It also declared that the full and equal participation of women in civil, cultural, economic, political and social life at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex, were priority objectives of the international community.

3. In the area of health and family planning, the Programme of Action supported the Convention (arts. 12, 14 and 16), particularly with regard to women's right to choose freely the number and spacing of births and to have access to information and education on those rights and the means to exercise them. The Programme of Action also supported the provisions of the Convention concerning the family, including the equal rights of men and women to choose their spouse and enter into marriage only upon their free and full consent; the right of adolescent women to attain physical and emotional maturity prior to marriage; and the promotion of opportunities for family members, particularly women and children. Males should be encouraged to share responsibility for the family as a step towards achieving gender equality.

4. The Programme of Action also fixed quantitative goals which directly promoted gender equality and opportunities for women. In the area of education, the goal was universal access to primary education for both girls and boys by the year 2015 and, in those countries which already provided universal access to primary education, extension of such access to the secondary and higher levels. With a view to closing the gender gap and retaining children in school, efforts

were being made to train teachers in gender sensitivity, offer scholarships and other incentives in order to sensitize parents to the value of educating girls and allow pregnant adolescents to continue their schooling. In that connection, the Secretary-General had established a task force of relevant organizations within the United Nations system to implement the Conference's recommendations on education in a more integrated manner. As Chairperson of the task force, one of her first priorities would be to establish a working group on the elimination of gender disparity in education.

5. Recognizing the impact of maternal mortality and morbidity on the family, the Programme of Action called on countries to bring about "significant reductions in maternal mortality by the year 2015: a reduction in maternal mortality by one half of the 1990 levels by the year 2000 and a further one half by 2015". The Programme of Action also addressed gender disparity in infant mortality.

6. The Programme of Action was ground-breaking with regard to all aspects of women's reproductive health. It called on all countries to "strive to make accessible, through the primary health care system, reproductive health to all individuals of appropriate ages as soon as possible and no later than the year 2015". By the year 2015, all countries should seek to provide universal access to a full range of safe and reliable family-planning methods and to related reproductive health services which were not against the law. The objective was to help couples and individuals achieve their reproductive goals and exercise their right to have children by choice.

7. Just as the Programme of Action built on the outcome of earlier conferences, she hoped that follow-up activities of the Cairo Conference would ultimately incorporate the recommendations of the World Summit for Social Development and the Fourth World Conference on Women. At the national level, countries were establishing committees to reassess their population policies in the light of the Programme of Action, particularly in the areas of family planning and integrated reproductive health services.

8. She urged Committee members to promote the recommendations of the Programme of Action in their own countries and to help maintain the support of NGOs, which could play a vital role in bringing local needs to the attention of national policy makers and the international community. CEDAW would also have a role to play in that connection.

9. The work of the new Commission on Population and Development (formerly the Population Commission) should be coordinated with that of CEDAW and of the Commission on Sustainable Development and the Human Rights Committee. The proposals which the Secretary-General would put forward to the Economic and Social Council concerning new mechanisms for the follow-up of the Cairo Conference might also be relevant to the Committee's work.

10. Great strides had been made at Cairo, where many high-level government officials had begun to understand the urgent need to integrate women into the mainstream. She hoped that CEDAW would help to ensure that those gains were protected, and that they would be further developed by the World Summit for

Social Development and the Fourth World Conference on Women in a truly forward-looking spirit.

11. The CHAIRPERSON thanked Ms. Sadik for stressing the relationship between the Convention and the work of the International Conference on Population and Development. Referring to the concept that reproductive rights derived from basic human rights, she proposed that CEDAW could form a working group on reproductive rights in order to explore ways and means of helping the Commission on Population and Development to follow up the Cairo Conference.

12. Ms. TALLAWY thanked the Executive Director for the remarkable role she had played at the Cairo Conference. The Conference had been a milestone in the struggle for the advancement of women, for it had made leaders and parliamentarians realize that women's issues were the responsibility of society as a whole and the basis for a sustainable future for humankind.

13. Ms. SHALEV stressed the linkage between the work of the Cairo Conference and that work done by CEDAW, in particular under articles 12 and 16 of the Convention, and welcomed the Chairperson's proposal to establish a working group on reproductive health.

14. Ms. AOUIJ noted the extensive coverage which the Conference had been given in the media. Even the controversy and debate which had taken place during the Conference had ultimately served to enrich its outcome. The Convention on the Elimination of All Forms of Discrimination against Women was indeed one of the first legal instruments to affirm women's freedom of choice in procreation and family planning (art. 16) as a basic right, and to stress maternity as a social function (art. 5).

15. Ms. OUEDRAOGO expressed her satisfaction at having participated in the Cairo Conference. The work accomplished by Ms. Sadik represented a major victory which built on already existing UNFPA activities at the national level, including six UNFPA-sponsored projects in her own country, Burkina Faso. She hoped that the development of information and education programmes in Africa, for both men and women, would help to eradicate deep-rooted prejudices concerning procreation. In that connection, the continued support of UNFPA would be vital.

16. Mr. MATHIASON (Deputy Director of the Division for the Advancement of Women), introducing a draft version of the updated compendium on progress achieved in the implementation of the Convention (to be issued as document CEDAW/C/1995/7), which was to be submitted as CEDAW's contribution to the Fourth World Conference on Women, expressed concern at the document's length and said that it needed greater strategic focus. The Committee could adopt the document as it stood, after drafting a suitable introduction, or prepare a new document with a different focus and purpose, or again approve the document giving very specific instructions about any necessary amendments.

17. Ms. SCHÖPP-SHILLING inquired whether there was enough money to issue a document of any length, and asked for more details about the parameters of the document.

18. Ms. BUSTELO GARCIA DEL REAL said that in preparing the document the Secretariat had clearly not followed the guidelines which the Committee had set the previous year. The draft would have to be amended by a working group before the Committee could decide how best to use it.

19. Ms. TALLAWY, supported by Ms. SINEGIORGIS, suggested various ways in which the draft could be improved, mainly by cutting out material relating to the Committee's procedures and placing more emphasis on the improvement of the status of women through proper compliance with the Convention. A more substantive account was required of the way in which the rights embodied in the articles of the Convention had been interpreted.

20. Ms. SCHÖPP-SCHILLING, speaking on a point of order, asked Mr. Mathiason to answer her questions.

21. Mr. MATHIASON (Deputy Director of the Division for the Advancement of Women) said that provision had been made for the publication of one document which could be as long or short as the Committee decided. The current version had been drafted in accordance with the Committee's decisions on structure and content as contained in the outline of the compendium prepared by the Secretariat for the thirteenth session (CEDAW/C/1994/7).

22. The CHAIRPERSON said that the Committee had asked for a document that would focus on the achievements of the implementation of the Convention. Procedural details were of no interest to the wider public. She suggested that the document should be shortened and subdivided so that it could be distributed at the World Conference on a more targeted basis.

23. Ms. AOUIJ agreed that the discussion of procedural matters should be deleted and that the Committee should draft an introduction or executive summary. The section on the history of the Convention could be shortened but should not be deleted. Chapter III, on the interpretation and implementation of the Convention, would constitute the core of the document. It would also be important to include a section on how the Committee saw its role changing and expanding as it adapted to new conditions.

24. Ms. SCHÖPP-SCHILLING thanked the Secretariat for the high quality of the document. A unique opportunity existed to publish as much information as possible about the Convention; it should not be wasted. Including the history of the Convention in the document would provide a better understanding of its conceptual basis and of the problems the Committee currently faced. Such a comprehensive document could be very useful in the activities of the Decade for Human Rights Education.

25. Ms. BUSTELO GARCIA DEL REAL proposed that, since the document was not yet available in all the working languages of the Committee, it should be turned over to Working Group II for consideration, which would in turn report its findings to a plenary meeting.

26. Ms. GARCIA-PRINCE, speaking as the Chairperson of Working Group II, said that the guidelines for the preparation of the document had not given any guidance regarding its length. Quite the contrary, members had requested a

discussion of each article of the Convention and had been given the opportunity to submit their comments on individual articles. It was clear that the Committee must change its vision of the type of document it wished to prepare for the Beijing Conference. Although she understood the concerns expressed by the Chairperson and other members that a lengthy document would not be strategic, she shared Ms. Schöpp-Schilling's view of the importance of a document of that nature to the work of the Committee. It would be unfortunate if it were simply to be filed away. Perhaps the Committee could produce a separate short pamphlet for the Conference that would be more accessible to general readers.

27. Ms. JAVATE DE DIOS said that the Committee must be clear about the audience it wished to reach. In her view, the document for the Beijing Conference should be brief and readable; it should concentrate on the substantive contribution of CEDAW to the advancement of women and locate the Committee at the cutting edge of women's human rights issues, and should also discuss the challenges of the twenty-first century.

28. Ms. SINEGIORGIS said that the document should be accorded the highest priority by Working Group II and insisted that it must follow the guidelines prepared at the thirteenth session.

29. The CHAIRPERSON said that Working Group II would discuss the preparation of the document for the Beijing Conference.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued) (CEDAW/C/1995/CRP.1)

30. Ms. KHAN, introducing the report of the Pre-session Working Group (CEDAW/C/1995/CRP.1), drew attention to paragraphs 1 to 12 of the report, and noted that the Pre-session Working Group had prepared lists of issues and questions relating to the reports of Argentina, Finland, Norway, Peru and the Russian Federation. The questions formulated by Committee members for the Pre-session Working Group had provided particularly valuable input; that exercise should be continued.

31. Ms. JAVATE DE DIOS said that the Committee should also have access to additional information contained in the reports of other treaty bodies, particularly human rights treaty bodies, during its consideration of States parties' reports.

32. The report of the Pre-session Working Group contained in document CEDAW/C/1995/CRP.1 was adopted.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

33. Ms. SCHÖPP-SCHILLING, reporting on the work of the Human Rights Committee, said that the latter had adopted a general comment (CCPR/C/21/Rev.1/Add.6) on the subject of reservations made by States upon ratification of, or accession to, the International Covenant on Civil and Political Rights or to the optional protocols. The comment dealt inter alia with the principle of international law

by reference to which the acceptability of reservations was to be tested; the roles of States parties - and of the Committee itself - in relation to reservations; and the considerations that should be borne in mind when making reservations. It also made it clear that what mattered was not the format but the intention of a reservation. If the intention was to exclude or modify the legal effect of a treaty in its application to the State, it made no difference whether the expression used was "reservation", "declaration", or "statement of policy". The document also described a number of legal human rights principles in respect of which reservations were unacceptable.

34. She pointed out that the report of the Committee on progress achieved in the implementation of the Convention (CEDAW/C/1995/7), which was to be the Committee's contribution to the Beijing Conference, would include an extensive chapter on the subject of reservations. Consideration should be given to whether CEDAW wished to follow the example of the Human Rights Committee by adopting a similar general comment, or even expanding on it.

35. Ms. BUSTELO GARCIA DEL REAL, reporting on the work of the Committee on Economic, Social and Cultural Rights, said that it was interesting to note that non-governmental organizations could submit written information to that Committee at any time, and that they were also invited to certain meetings where they could make oral presentations. At its most recent session, the Committee had discussed the need for non-sexist education whereby children of both sexes could learn to share responsibilities of all types.

36. The Committee had also begun drafting a general comment on the subject of persons with disabilities; it contained references to non-discrimination between men and women, to the right of women with disabilities to have access to family planning, and to their right not to be subjected without their consent to abortion or sterilization. At its two most recent sessions it had discussed a draft optional protocol similar to the one currently being prepared by CEDAW.

37. It was interesting to note that when a State failed, despite repeated requests, to submit its reports, the Committee on Economic, Social and Cultural Rights would undertake its own investigation of the situation in that country. It had recently decided, as a result of a report it had received from a non-governmental organization, to conduct an in situ investigation of the situation in Panama, and it habitually published reports on individual countries in addition to its overall reports.

38. Ms. SINEGIORGIS, reporting on the work of the Committee against Torture, said that the Committee periodically considered reservations entered by States parties and that, in a number of cases, States had been persuaded to withdraw certain reservations.

39. The Committee could request a Government to submit a revised report, and would postpone its consideration of an initial report if the Government concerned expressed a wish to submit such a revised report. That seemed an interesting way of carrying on a dialogue with a State party. The Committee's concluding remarks on each country comprised a brief introduction, a section on "positive aspects", one on subjects of concern to the Committee, and recommendations.

40. The Committee had agreed with the Special Rapporteur on Torture that, although their mandates were different, they should hold exchanges of views and produce joint reports.

41. Ms. AYKOR said that, having received no documentation regarding the work of the Committee on the Elimination of Racial Discrimination, she was unable to report on the subject.

42. Ms. TALLAWY said that she was unable to report on the work of the Committee on the Rights of the Child at that meeting, but would do so at a later stage.

43. Ms. GARCIA-PRINCE, supported by Ms. HARTONO, suggested that it would be useful if other experts helped with the monitoring of the activities of the various human rights treaty bodies.

44. Ms. SINEGIORGIS said that all members of the Committee should have experience in monitoring treaty bodies and that such a practice should be a permanent feature of the Committee's work.

45. Ms. BUSTELO GARCIA DEL REAL considered that rotation of monitoring responsibilities was a good idea but wondered whether it might be better to rotate every two years, thus allowing time for members to establish and develop meaningful contacts.

46. The CHAIRPERSON said that she had tried to divide tasks equally among all members of the Committee. She had no objection to Committee members offering to help with the monitoring activity, but she was against making changes to the current year's appointments.

47. Ms. TALLAWY reminded the Committee that the task of monitoring treaty bodies was voluntary work. If the Committee wished to make such activities a permanent feature, it would be best to draw up a list of volunteers so that everyone would know, in advance, who was willing to participate in the work.

OTHER MATTERS

48. Mr. MATHIASON (Deputy Director of the Division for the Advancement of Women), replying to questions posed at the 263rd meeting regarding the status of the concluding comments on some reports considered by the Committee at its thirteenth session, said that at its previous session the Committee had begun the practice of issuing concluding comments on reports. Because it was a new practice, the Committee had not allotted sufficient time to complete all the comments and had had to defer them to the fourteenth session.

49. In the interim, the secretariat had examined the question of deferral. Paragraph 816 of the Committee's report to the General Assembly (A/49/38) implied that comments would be included in the report on the session at which the State party's report was considered, and no precedent existed for carrying comments over; in fact, that was specifically not permitted. He pointed out, moreover, that the composition of the Committee had changed substantially since the previous session; members who had not been present at the submission of a State party report could not be asked to draw conclusions on it.

50. Ms. SINEGIORGIS said that a majority of members had been present the previous year. With the understanding of their new colleagues, those members could adopt those concluding comments.

51. Ms. CARTWRIGHT agreed that those members who had been present at the previous session, who were a substantial majority, should confer on the concluding comments. It should be made clear in the Committee's report that the deferral would not create a precedent, but had been a response to an extraordinary situation.

52. The CHAIRPERSON said that, in the light of the explanation given, she would take it that the Committee decided to complete all concluding comments in the session in which the respective reports were considered, in consistency with the practice of other treaty bodies.

53. It was so decided.

The meeting rose at 6.10 p.m.